

# **OPERATIONAL SUPPORT**

**2003 FAIR EMPLOYMENT PRACTICES REPORT  
OCTOBER 1, 2002 - SEPTEMBER 30, 2003**

The Court of Appeals for the Second Circuit is made up of the offices of the Circuit Executive, the Clerk, Legal Affairs, the Circuit Library, and the judges Circuit Chambers. The Equal Opportunity and Employment Resolution Plan for the United States Court of Appeals for the Second Circuit became effective January 1, 1999, replacing the Court's Affirmative Action Plan which was in effect since 1980. The Court's Equal Opportunity and Employment Resolution Plan is adapted from the Federal Judiciary Model Employee Dispute Resolution Plan. The Plan applies to all judicial and nonjudicial officers and employees of the Court, to applicants for employment with the Court, and to former employees with respect to events occurring during their employment. It specifically does not apply to externs, to law clerks of judicial officers or applicants for such positions, to private attorneys who represent indigent defendants under the Criminal Justice Act or applicants for such positions, or to any other individual who is not an officer or employee of the Court. The Court's Plan reflects its long-standing objective of providing a safe work environment and the widest possible employment and advancement opportunities, objectives shared by all courts in this Circuit. During this reporting period, no changes were made to the Second Circuit Court's Plan.

As of September 30, 2003, there were 23 judges on board and 255 personnel employed by the Court of Appeals in the offices of the Circuit Executive, the Clerk, Legal Affairs, the Circuit Library, and chambers' staff of the Court of Appeals judges. Of that number, 129 were male and 149 were female. The total number of African Americans represented was 53, 28 Hispanics, and there were 16 Court personnel who were identified as Asian, 1 as American Indian. The minority representation in the Court decreased by 2% to 35%. Two percent of Court personnel reported disabilities, two employees retired and no EDR complaints were filed during this reporting period.

Women occupied 54% of all positions in the Court and 44% of all professional positions. Among all the professional positions, African-Americans, Hispanics, and Asians comprised 18%.

The Second Circuit Court of Appeals continues to make concerted efforts to recruit qualified minority and women candidates for positions at all levels. Greater access to technology, specifically access to the Internet, has enhanced the Court's ability to reach out to a wider population. In order to keep current with advancements and technology, the Court continues to update its Intranet and Internet website.

In addition to posting position vacancies in nationwide and local publications, the Court's recruitment efforts are directed toward both local and national educational institutions. In recruiting for law clerk positions in the Office of Legal Affairs, the Court of Appeals participates in on-campus career days and interviewing at local law schools.

The Second Circuit's internship program continued to expand to local high schools, colleges, law schools and community programs. The Court of Appeals participates in these institutions' placement programs and, in doing so, provides interns with an understanding of the Court and its operations as well as an opportunity to develop marketable skills. In fact, many of the interns obtain educational credits through their internships with the Court. In 2003, the Court of Appeals and several district courts throughout the Second Circuit hosted "Take Our Children to Work Day" programs and, in conjunction with the New York Women's Bar Association, opened the program to high schools within each district. During the year, the Court of Appeals also provided opportunities for students in high schools and law schools to tour the Thurgood Marshall United States Courthouse and visit with members of the Court.

**Table 39**  
**FAIR EMPLOYMENT PRACTICES**  
**2003**

SECOND CIRCUIT COURT OF APPEALS % of Total	TOTAL	SEX		RACE						DISABLED
		MALE	FEMALE	WHITE	AFRICAN AMERICAN	HISPANIC	ASIAN	NATIVE AMERICAN	PACIFIC ISLANDER	
	278	129	149	180	53	28	16	1	0	7
	100%	46%	54%	65%	19%	10%	5.7%	.3%	0%	2.5%
DIST. CT. CONN. % of Total	282	83	199	224	37	16	4	0	1	1
	100%	29.4%	70.6%	79.4%	13.1%	5.7%	1.4%	0%	.4%	.4%
EASTERN DIST. NY % of Total	716	262	454	442	148	87	38	1	0	3
	100%	36.6%	63.4%	61.7%	20.7%	12.1%	5.3%	.2%	0%	.4%
NORTHERN DIST. NY % of Total	267	106	161	248	9	7	2	1	0	15
	100%	39.7	60.3%	93%	3.4%	2.6%	.7%	.3%	0%	5.6%
SOUTHERN DIST. NY % of Total	804	363	441	458	180	113	53	0	0	6
	100%	45%	55%	57%	22%	14%	7%	0%	0%	.7%
DIST. CT. VERMONT % of Total	70	32	38	69	1	0	0	0	0	0
	100%	45.7%	54.3%	98.6%	1.4%	0%	0%	0%	0%	0%
WESTERN DIST. NY % of Total	266	90	176	241	18	6	0	1	0	4
	100%	33.8%	66.2%	90.6%	6.8%	2.2%	0%	.4%	0%	1.5%
<b>SECOND CIRCUIT TOTALS</b>										
CIRCUIT WIDE % of Total	2683	1065	1618	1862	446	257	113	4	1	36
	100%	39.7%	60.3%	69.4%	16.6%	9.6%	4.2%	.15%	.05%	1.3%
ALL DISTRICTS % of Total	2405	936	1469	1682	393	229	97	3	1	29
	100%	38.9%	61.1%	70%	16.3%	9.5%	4%	.1%	.1%	1.2%
COURT OF APPEALS % of Total	278	129	149	180	53	28	16	1	0	7
	100%	46%	54%	65%	19%	10%	5.7%	.3%	0%	2.5%

**JUDGES AND JUDGESHIPS \***  
**Judgeship Summary**

<b>District</b>	<b>Auth. Judges</b>	<b>Active Judges</b>	<b>Vacancies</b>	<b>Senior Judges</b>	<b>Bank' cy Judges</b>	<b>Magistrate Judges</b>
<b>Conn.</b>	<b>8</b>	<b>8</b>	<b>0</b>	<b>5</b>	<b>4***</b>	<b>5</b>
<b>EDNY</b>	<b>15</b>	<b>12</b>	<b>3</b>	<b>6</b>	<b>8***</b>	<b>13</b>
<b>NDNY</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>6**</b>
<b>SDNY</b>	<b>28</b>	<b>26</b>	<b>2</b>	<b>22</b>	<b>10***</b>	<b>15***</b>
<b>Vermont</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>WDNY</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>5</b>
<hr/>						
<b>Total Dist. Ct.</b>	<b>62</b>	<b>57</b>	<b>5</b>	<b>39</b>	<b>28</b>	<b>45</b>
<b>Total Court of Appeals</b>	<b>13</b>	<b>12</b>	<b>1</b>	<b>11</b>	<b>--</b>	<b>--</b>
<hr/>						
<b>Total, 2nd Circuit</b>	<b>75</b>	<b>69</b>	<b>6</b>	<b>50</b>	<b>28</b>	<b>45</b>

**\*As of May 1, 2004**

**\*\*Includes part-time magistrate judges, and/or recalled magistrate judge**

**\*\*\*Includes recalled retired bankruptcy judges**

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT\*  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007**

**John M. Walker, Jr., Chief Judge**

**Dennis Jacobs  
Guido Calabresi  
José A. Cabranes  
Chester J. Straub  
Rosemary S. Pooler  
Robert D. Sack**

**Sonia Sotomayor  
Robert A. Katzmann  
Barrington D. Parker, Jr.  
Reena Raggi  
Richard C. Wesley**

**Senior Judges**

**Wilfred Feinberg  
James L. Oakes  
Ellsworth Van Graafeiland  
Thomas J. Meskill  
Jon O. Newman  
Amalya L. Kearse**

**Richard J. Cardamone  
Ralph K. Winter  
Roger J. Miner  
Joseph M. McLaughlin  
Pierre N. Leval**

**Karen Greve Milton, Circuit Executive  
John Coffey, Deputy Circuit Executive  
Janice D. Kish, Assistant Circuit Executive, Administration  
Joel Turner, Assistant Circuit Executive, Automation & Technology  
Scott Teman, Assistant Circuit Executive, Space & Facilities  
Thomas W. Asreen, Director of Human Resources  
Richard K. George, Administrative Services Manager  
Elizabeth Cronin, Director of Legal Affairs  
Roseann B. MacKechnie, Clerk of Court  
Margaret J. Evans, Circuit Librarian**

**\* As of May 1, 2004**

**UNITED STATES DISTRICT COURTS  
District of Connecticut\*  
141 Church Street  
New Haven, Connecticut 06510  
(203) 773-2140**

**Robert N. Chatigny, Chief Judge**

**Dominic J. Squatrito  
Alvin Thompson  
Janet Bond Arterton  
Janet C. Hall**

**Christopher F. Droney  
Stefan R. Underhill  
Mark R. Kravitz**

**Senior Judges**

**Ellen Bree Burns  
Warren W. Eginton  
Peter C. Dorsey**

**Alan H. Nevas  
Alfred V. Covello**

**Bankruptcy Judges**

**Albert S. Dabrowski, Chief Judge**

**Robert L. Krechevsky\*\*  
Lorraine Murphy Weil**

**Alan H.W. Shiff**

**Magistrate Judges**

**Thomas P. Smith  
Joan Glazer Margolis  
Holly Fitzsimmons**

**Donna F. Martinez  
William Garfinkel**

**Kevin F. Rowe, Clerk of District Court  
Debra Hunt, Clerk of Bankruptcy Court  
Maria Rodrigues McBride, Chief Probation Officer  
Thomas G. Dennis, Federal Public Defender  
Barbara Close, Branch Librarian, Hartford, CT  
Carole Martin, Branch Librarian, New Haven, CT**

**\*As of May 1, 2004**

**\*\*Recalled Retired Judge**

**UNITED STATES DISTRICT COURTS**

**Eastern District of New York\***

**225 Cadman Plaza East**

**Brooklyn, New York 11201**

**Phone: (718) 260-2260**

**Fax: (718) 260-2622**

**Edward R. Korman, Chief Judge**

**Raymond J. Dearie**

**Arthur D. Spatt**

**Carol B. Amon**

**Denis R. Hurley**

**David G. Trager**

**Joanna Seybert**

**Frederic Block**

**Allyne R. Ross**

**John Gleeson**

**Nina Gershon**

**Nicholas G. Garaufis**

**Sandra J. Feuerstein**

**Senior Judges**

**Jack B. Weinstein**

**Thomas C. Platt**

**Sterling Johnson, Jr.**

**Charles P. Sifton**

**I. Leo Glasser**

**Leonard D. Wexler**

**Bankruptcy Judges**

**Conrad B. Duberstein\*\*, Chief Judge**

**Jerome Feller**

**Dorothy D.T. Eisenberg\*\***

**Melanie L. Cyganowski**

**Stan Bernstein**

**Carla E. Craig**

**Dennis E. Milton**

**Elizabeth S. Stong**

**\*As of May 1, 2004**

**\*\*Recalled Retired Judge**

**UNITED STATES DISTRICT COURTS**

**Eastern District of New York\***

**225 Cadman Plaza East**

**Brooklyn, New York 11201**

**Phone: (718) 260-2260**

**Fax: (718) 260-2622**

**Magistrate Judges**

**Michael L. Orenstein, Chief Magistrate Judge**

**A. Simon Chrein**

**Steven M. Gold**

**Marilyn D. Go**

**Arlene R. Lindsay**

**Roanne L. Mann**

**Joan M. Azrack**

**Viktor V. Pohorelsky**

**Robert M. Levy**

**E. Thomas Boyle**

**Cheryl L. Pollack**

**William D. Wall**

**Lois Bloom**

**James E. Ward, Jr. District Executive**

**Robert C. Heinemann, Clerk of District Court**

**Joseph P. Hurley, Clerk of Bankruptcy Court**

**Tony Garoppolo, Chief Probation Officer**

**Cynthia Lawyer, Chief Pretrial Services Officer**

**John Saiz, Branch Librarian, Brooklyn, NY**

**Astrid Stalis, Branch Librarian, Central Islip, NY**

**\*As of May 1, 2004**



**UNITED STATES DISTRICT COURTS**

**Northern District of New York\***

**James T. Foley Courthouse**

**445 Broadway**

**Albany, NY 11207**

**Phone: (518) 257-1800**

**Fax: (518) 257-1801**

**Frederick J. Scullin, Jr., Chief Judge**

**Lawrence E. Kahn**

**David N. Hurd**

**Norman A. Mordue**

**Gary L. Sharpe**

**Senior Judges**

**Thomas J. McAvoy**

**Neal P. McCurn**

**Howard G. Munson**

**Bankruptcy Judges**

**Stephen D. Gerling, Chief Judge**

**Robert E. Littlefield**

**Magistrate Judges**

**Gustave J. DiBianco**

**David R. Homer**

**George H. Lowe**

**David E. Peebles**

**Randolph Treece**

**Larry A. Kudrle\*\*\***

**Lawrence Berman, Clerk of District Court**

**Richard G. Zeh, Sr., Clerk of Bankruptcy Court**

**Paul W. DeFelice, Chief Probation Officer**

**Alexander Bunin, Federal Public Defender**

**\*As of May 1, 2004**

**\*\*\*Part-Time**

**UNITED STATES DISTRICT COURT**

**Southern District of New York\***

**United States Courthouse**

**500 Pearl Street**

**New York, New York 10007**

**Phone: (212) 805-0500**

**Fax: (212) 805-0383**

**Michael B. Mukasey, Chief Judge**

**Charles L. Brieant  
Kimba M. Wood  
Loretta A. Preska  
Deborah A. Batts  
Harold Baer, Jr.  
Lewis A. Kaplan  
John G. Koeltl  
Denise Cote  
Denny Chin  
Shira A. Scheindlin  
Sidney H. Stein  
Barbara S. Jones  
Jed S. Rakoff**

**Richard Conway Casey  
Alvin K. Hellerstein  
Richard M. Berman  
Colleen McMahon  
William H. Pauley, III  
Naomi Reice Buchwald  
Victor Marrero  
George B. Daniels  
Gerard E. Lynch  
Laura Taylor Swain  
P. Kevin Castel  
Richard J. Holwell  
Stephen C. Robinson**

**Senior Judges**

**Charles M. Metzner  
Constance Baker Motley  
Milton Pollack  
Morris E. Lasker  
Thomas P. Griesa  
Robert L. Carter  
Whitman Knapp  
Kevin Thomas Duffy  
William C. Conner  
Richard Owen  
Gerard L. Goettel**

**Charles S. Haight, Jr.  
Robert W. Sweet  
Leonard B. Sand  
John E. Sprizzo  
Shirley Wohl Kram  
John F. Keenan  
Peter K. Leisure  
Louis L. Stanton  
Miriam Goldman Cedarbaum  
Robert P. Patterson, Jr.  
Lawrence M. McKenna**

**\*As of May 1, 2004**

**UNITED STATES DISTRICT COURT**

**Southern District of New York\***

**United States Courthouse**

**500 Pearl Street**

**New York, New York 10007**

**Phone: (212) 805-0500**

**Fax: (212) 805-0383**

**Bankruptcy Judges**

**Stuart Bernstein, Chief Judge**

**Burton R. Lifland\*\***

**Prudence Carter Beatty**

**Cornelius Blackshear**

**Adlai Hardin, Jr.**

**Arthur J. Gonzalez**

**Cecelia G. Morris**

**Robert E. Gerber**

**Allan L. Gropper**

**Robert D. Drain**

**Magistrate Judges**

**Andrew Peck, Chief Magistrate Judge**

**Theodore W. Katz**

**Michael H. Dolinger**

**James C. Francis, IV**

**Mark D. Fox**

**Martin R. Goldberg\*\*\***

**Ronald L. Ellis**

**Lisa Margaret Smith**

**Douglas F. Eaton**

**Henry B. Pitman**

**George A. Yanthis**

**Kevin N. Fox**

**Frank Maas**

**Debra Freeman**

**Gabriel W. Gorenstein**

**Clifford P. Kirsch, District Executive**

**J. Michael McMahon, Clerk of District Court**

**Kathleen Farrell-Willoughby, Clerk of Bankruptcy Court**

**Chris Stanton, Chief Probation Officer**

**Dennis Spitzer, Chief Pretrial Services Officer**

**Kenneth Edmonds, Branch Librarian**

**\*As of May 1, 2004**

**\*\*Retired Recall Judge**

**\*\*\*Part-Time**

**UNITED STATES DISTRICT COURTS  
District of Vermont\*  
506 Federal Building and Courthouse  
Burlington, Vermont 05402-0945**

**William Sessions, III, Chief Judge**

**U.S. District Judge**

**J. Garvan Murtha**

**Bankruptcy Judge**

**Colleen A. Brown**

**Magistrate Judge**

**Jerome J. Niedermeier**

**Richard P. Wasko, Clerk of District Court  
Thomas J. Hart, Clerk of Bankruptcy Court  
Philip K. Albertson, Chief Probation Officer  
Alexander Bunin, Federal Public Defender**

**\*As of May 1, 2004**

**UNITED STATES DISTRICT COURTS**

**Western District of New York\***

**U.S. Courthouse**

**68 Court Street**

**Buffalo, New York 14202**

**(716) 551-4211**

**Richard J. Arcara, Chief Judge**

**William M. Skretny**

**David G. Larimer**

**Charles J. Siragusa**

**Senior Judges**

**John T. Curtin**

**Michael A. Telesca**

**John T. Elfvin**

**Bankruptcy Judges**

**John C. Ninfo, II, Chief Judge**

**Michael J. Kaplan**

**Carl L. Bucki**

**Magistrate Judges**

**Leslie G. Foschio**

**H. Kenneth Schroeder, Jr.**

**Hugh B. Scott**

**Marian W. Payson**

**Jonathan W. Feldman**

**Rodney C. Early, Clerk of District Court**

**Paul R. Warren, III, Bankruptcy Clerk of Court**

**Joseph A. Giacobbe, Chief Probation Officer**

**Joseph B. Mistrett, Acting Federal Public Defender**

**Diane Zientek, Branch Librarian, Buffalo, NY**

**\*As of May 1, 2004**

**THE SECOND JUDICIAL CIRCUIT OF THE UNITED STATES  
Judicial Status Update\***

**New Appointments**

<b>Court of Appeals for the Second Circuit</b>	<b>Circuit Judge Richard C. Wesley</b>
<b>Southern District of New York</b>	<b>District Judge P. Kevin Castel</b>
<b>Southern District of New York</b>	<b>District Judge Stephen J. Holwell</b>
<b>Southern District of New York</b>	<b>District Judge Stephen C. Robinson</b>
<b>Eastern District of New York</b>	<b>District Judge Sandra J. Feuerstein</b>
<b>District of Connecticut</b>	<b>District Judge Mark R. Kravitz</b>
<b>Northern District of New York</b>	<b>Magistrate Judge George H. Lowe</b>
<b>Eastern District of New York</b>	<b>Bankruptcy Judge Elizabeth Snow Stong</b>

**Reappointments**

<b>Southern District of New York</b>	<b>Magistrate Judge Douglas F. Eaton</b>
<b>Southern District of New York</b>	<b>Magistrate Judge Martin R. Goldberg</b>
<b>Eastern District of New York</b>	<b>Magistrate Judge E. Thomas Boyle</b>
<b>Eastern District of New York</b>	<b>Magistrate Judge Cheryl L. Pollak</b>
<b>Western District of New York</b>	<b>Magistrate Judge Jonathan W. Feldman</b>
<b>Western District of New York</b>	<b>Magistrate Judge Hugh B. Scott</b>
<b>District of Connecticut</b>	<b>Magistrate Judge Thomas P. Smith</b>
<b>Northern District of New York</b>	<b>Magistrate Judge Gustave J. DiBianco</b>
<b>Northern District of New York</b>	<b>Magistrate Judge David R. Homer</b>

**Elevations**

<b>Northern District of New York</b>	<b>District Judge Gary L. Sharpe</b>
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**Senior Status**

<b>Eastern District of New York</b>	<b>District Judge Sterling Johnson, Jr.</b>
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**\*As of May 1, 2004**

**THE SECOND JUDICIAL CIRCUIT OF THE UNITED STATES**  
**Judicial Status Update\***

**Retirements**

**District of Connecticut**

**District Judge Gerard Goettel**

**Resignations**

**Southern District of New York**

**District Judge John S. Martin, Jr.**

**Deaths**

**Court of Appeals for the Second Circuit**

**Circuit Judge Fred I. Parker**

**Southern District of New York**

**District Judge Robert J. Ward**

**Eastern District of New York**

**District Judge Jacob Mishler**

**\*As of May 1, 2004**